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on Tuesday, 20 January 1998 at 10 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of Azerbaijan (CEDAW/C/AZE/1)

1. At the invitation of the Chairperson, Ms. Abdoullah-zade (Azerbaijan) took a place at the Committee table.

2. Ms. ABDOULLAH-ZADE (Azerbaijan), introducing the initial report of Azerbaijan (CEDAW/C/AZE/1), said that Azerbaijani women were currently experiencing hardships as a result of the collapse of the Soviet Union, the war with Armenia and the refugee crisis. However, the consideration of Azerbaijan's report by the Committee and the establishment of a special State committee to deal with women's issues marked a new direction in the country's implementation of the Beijing Declaration and Platform for Action.

3. During the Soviet period, the equal rights of men and women had been guaranteed by law, and Azerbaijani women had managed to achieve success in various fields. The introduction of quotas for female participation in administrative bodies had brought women out of their traditional roles. Female illiteracy had been eradicated. A significant proportion of entrants into technical professions were women.

4. The conflict with Armenia over Nagorny Karabakh had caused dislocation throughout Azerbaijan. The main problem was the tremendous influx of refugees and displaced persons from the conflict zone. The rights of all those people, not only the rights of women, needed to be protected.

5. The effects of the war with Armenia had been compounded by the economic crisis following the collapse of the Soviet Union. Azerbaijan had gradually emerged from that crisis and achieved political stability. The country had a multiparty system with 31 registered political parties. Tangible economic progress had been made. Although much remained to be done, the privatization programme, the restructuring of the banking and financial system, foreign capital investment and agricultural reform had all contributed to improving the status of women.

6. Following the recent parliamentary elections, 12 per cent of the total number of deputies were women, as compared to just 6 per cent before the adoption of the new Constitution in 1995. While those figures were well below the high number of women in Soviet legislative bodies, it was important to remember that in Soviet times women had served on a quota basis rather than rising to the top through their own leadership potential. It was clearly not enough to proclaim equal rights, as the Soviet authorities had done; an equal opportunities policy was needed to ensure genuine equality of rights between men and women.

7. The Azerbaijani Government's current objective was to formulate just such a policy. An equal rights and opportunities policy should encourage women to

aspire to key decision-making positions. The same objective was a hallmark of relations between the authorities and non-governmental organizations concerned with women's issues. An increasing number of government commissions were headed by women, and there were currently two women in the Azerbaijani Cabinet of Ministers. Azerbaijani women were also very active in non-governmental organizations. They had joined in the call by non-governmental organizations from other nations of the Caucasus region for an end to hostilities in Nagorny Karabakh and the return of all refugees and displaced persons to their place of origin. Without a settlement to the conflict in Nagorny Karabakh, it would be impossible for Azerbaijan to implement fully all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

8. Article 19 of the Constitutional Act on the State Independence of the Azerbaijani Republic conferred equal rights on all citizens of Azerbaijan regardless of sex. Article 25 of the Act on Citizenship of the Azerbaijani Soviet Socialist Republic also provided for the equality of rights and freedoms of men and women.

9. Fifteen Azerbaijani women were currently employed in embassies and missions; that number included two ambassadors, one second secretary, three attachés and nine technical staff. Azerbaijan had 18 embassies and missions.

10. Under the Constitution, men and women had the same right to education. The State guaranteed free and compulsory general secondary education. In that regard, article 42 of the Constitution constituted a significant amendment to the 1992 Education Act by providing for compulsory 11-year education for all citizens regardless of sex. The basis of all education was the general-education school. At the start of the 1996-1997 academic year, there were 4,414 State-run general-education day schools providing general education to 1,497,400 children, of whom 49.9 per cent were girls. The Azerbaijani Government was grateful to the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and other humanitarian organizations which, through the use of mobile schools, had provided education to children living in tent cities and refugee camps, who would otherwise have remained outside the educational system.

11. The introduction of computer technology had made it possible to collect gender-disaggregated data on students with a view to making subsequent recommendations on a programme designed to expand the range of specialist subjects offered to female students. Since June 1995, the number of female applicants to higher educational institutions had actually exceeded the number of male applicants. In 1995, the ratio had been 29,905 females to 20,216 males; in 1996, the ratio had been 26,885 to 20,712; and in 1997, it had been 26,768 to 22,316. While females tended to study medicine, biology, linguistics and philology, both males and females had shown the same interest in economics. The educational sector and the Azerbaijani Government were working together to devise a programme to boost female enrolment in traditionally non-female disciplines.

12. The 1996 Act on Individual Labour Agreements (Contracts) had made it unlawful to use a change in contractual status as a pretext for discriminating on the basis of sex, inter alia, or to establish privileges and benefits on the

same basis, or to restrict a person's rights either directly or indirectly for the same reason. The establishment of privileges for working women was not considered discriminatory. In addition, employers were barred from terminating a pregnant woman's contract, and also from terminating contracts with women whose children were under three years of age, except in cases where an enterprise was closing down.

13. Azerbaijan's total labour force numbered 2,895,400 people in 1996; 1,490,100 people, including 650,400 women, worked in the State sector. In 1996, a total of 117,000 working women were on child-care leave with partial pay. In the same year, over 12,481 women job-seekers had registered with the State employment service; over 3,108 of those women had been forcibly displaced from areas of Azerbaijan occupied by Armenia. Over 5,300 women had been placed by the service. A total of 14,000 unemployed women were registered with the service, which had sent 1,767 women on short-term vocational training courses.

14. Ms. CORTI said that Azerbaijan needed to adopt a clear policy of equal rights since, in spite of the progress that had been made, a number of obstacles still remained. It was regrettable that Azerbaijan had not yet adopted a policy that guaranteed women equal rights as individuals.

15. She requested more information on the trend towards privatization, especially the impact of privatization on the status of women. It would be useful to have more information on investment trends; in particular, she wished to know in what areas investments were being made and the impact of such investments on the unemployment rate. More information was needed on Azerbaijan's establishment of national machinery for the promotion of women. The paucity of information on article 14 was surprising in view of the high percentage of Azerbaijani women employed in the agricultural sector.

16. Ms. HARTONO wished to know whether the principle of gender equality was being implemented in real life. She also enquired whether there were only two levels of courts as mentioned in the report, or whether the Supreme Court was also an appellate court. Since most of Azerbaijan's population was Muslim, she wished to know whether or not religious law was applied in family matters, especially with respect to women and children. If there were religious courts in Azerbaijan, their relation to State courts should be clarified; in particular, she wished to know whether there was a hierarchy of religious courts and which court prevailed when State and religious courts were in conflict.

17. She requested information on the impact of private law on the situation of women. She wished to know whether a married woman could submit a claim or make an appeal to a court in her own right. She also wished to know whether husbands could divorce their wives without a court decision or whether divorce had to be decided on by the court.

18. Ms. ABAKA said that it was surprising that both the infant and the maternal mortality rate in Azerbaijan had increased while the birth rate had decreased. In view of the widening gap between rich and poor, she requested information on programmes sponsored by the World Bank and the International Monetary Fund (IMF) to mitigate the effects of Azerbaijan's economic reforms on women and children.

She was disappointed that articles 1 to 4 had been dealt with as a cluster, since it was common practice to deal with them separately.

19. Ms. ACAR said that Azerbaijan's ratification of the Convention reflected its political will to eliminate discrimination against women and ensure gender equality. However, those goals could be achieved only through the implementation of the Convention, which required an understanding of and a critical approach to the gender situation, the ability to recognize discrimination, research on the status of women in society, the promotion of gender-sensitive attitudes through mass media campaigns, and laws and policies that provided a clear definition of gender discrimination. More information was needed on the de facto and de jure situation of Azerbaijani women. In that connection, she wished to know the priorities that Azerbaijan had set for improving the status of women. She enquired whether Azerbaijan had adopted a national plan of action for the implementation of the Beijing Declaration and Platform for Action.

20. Ms. AOUIJ said that she had been pleased to learn that Azerbaijani women were well educated and well represented in many professions. The social, economic and political changes taking place in Azerbaijan and the consequences of Armenian aggression, had led to a decline in resources for education and health. In the light of rising infant and maternal mortality rates, the Government should adopt special programmes to reverse that trend.

21. She enquired whether the Parliament of Azerbaijan had given specific instructions to the relevant State departments to take measures to bring Azerbaijan's legislation and regulations into line with the Convention. She requested information on specific initiatives that had been taken to assist displaced persons and to lower the percentage of the population living below the poverty line. It would be useful to know whether the national machinery for protecting women's rights received adequate resources and whether it had links with international organizations, including non-governmental organizations.

22. Ms. CORTI said that, according to paragraph 41 of the report, State power in Azerbaijan was limited in internal matters only by the law, and in foreign affairs only by provisions arising out of international agreements to which Azerbaijan was a party. In that connection, she wished to know the extent to which international human rights treaties, and the Convention in particular, limited State power in Azerbaijan.

23. Article 25 of the Constitution of Azerbaijan provided for the right to equality between men and women and freedom from discrimination. It would be helpful if Azerbaijani legislation provided a clear definition of what constituted discrimination. It would be useful to know what penalties were provided in the national legislation for impeding the observance of equal rights for women. She enquired whether the Constitutional Court had been established since the preparation of the report.

24. She enquired whether any violations of fundamental rights of the kind referred to in paragraph 66 of the report had occurred and what steps had been taken to deal with them. According to paragraph 69, a report from a trade union could constitute grounds for instituting criminal proceedings, and she wished to

know how instrumental trade unions were in defending women's rights. Referring to paragraph 71, she wished to know what specific instructions the Parliament of Azerbaijan had given to relevant State departments to bring national legislation into line with the provisions of the Convention. She would also welcome additional information on the national machinery that had been proposed for the purpose of guaranteeing women the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men, in accordance with article 3 of the Convention.

25. Paragraph 81 of the report referred to a number of articles of the Criminal Code of Azerbaijan. It would be useful to know what the provisions of those articles were and whether the abolition of the death penalty for women was a temporary or permanent measure. With regard to paragraph 82, she requested information on the nature of the measures provided for the social protection of the family and whether such measures applied only to large families.

26. Ms. HARTONO wished to know whether, under the current laws of Azerbaijan, divorced mothers could be granted custody of their children and whether they had a right to alimony from their former spouses. She requested information on the inheritance laws in force and whether men and women received equal treatment under those laws.

27. Ms. RYEL sought additional information on Azerbaijan's machinery to ensure the effective implementation of legislation in the field of equal rights for men and women. The purpose of such machinery was not only to promote the incorporation of a gender perspective into legislative texts but also to provide a forum to which women whose rights had been violated could have recourse. The Committee would also welcome information on strategies to guarantee the rights of disabled women, especially in the areas of health care and education.

28. She enquired whether women's participation in political life was ensured through a system of quotas or by other means. With regard to women's participation in economic activities, it would be interesting to know what steps were being taken to arrest the disturbing trend towards the segregation of the labour market.

29. The report did not contain any information on the subject of violence against women, including domestic violence, and she hoped that that omission would be corrected when the representative of Azerbaijan replied to the questions from the experts.

30. Ms. FERRER asked whether, pending the establishment of the Constitutional Court, a body existed to which women whose equal rights had been violated could complain. She wished to know whether any complaints of that nature had been made and what penalties were prescribed by the law for those guilty of such violations. She wished to know what steps the Government had taken to disseminate the Convention in Azerbaijan. She enquired what penalties were provided under article 131 of the Criminal Code for the actions described in paragraph 79 of the report. She requested information on when a special unit to monitor respect for women's rights would be established, whether an act of Parliament was required for its establishment, what powers it would have and

pending the establishment of the special unit, which agency was currently responsible for ensuring respect for women's rights.

31. She requested information on the activities of non-governmental organizations in Azerbaijan; in particular, she wished to know whether non-governmental organizations had any influence on the Government's on policies and programmes. She asked what steps had been taken to change existing stereotypes of women in Azerbaijani society and what role the media was playing in the promotion of gender sensitivity. It would be interesting to know the extent to which women were represented in the media.

32. Ms. BUSTELO GARCÍA DEL REAL stressed the crucial role of national machinery in guaranteeing equal opportunities for women. The Convention provided a useful basis for elaborating policies to protect the rights of women, particularly in countries in transition. Reporting States should take due account of any recommendations that the Committee made after it completed consideration of their reports.

33. Ms. OUEDRAOGO said that, since the report combined information on articles 1 to 4 of the Convention under one heading, it was difficult to determine what national mechanisms existed to promote the equality of women. A coherent approach to the promotion of women was particularly important during periods of national reconstruction. She wished to know at what level policies to promote women's equality were coordinated and how they were financed. The section of the report dealing with article 5 of the Convention was too restrictive and did not address the issue of violence against women. She requested information on the most common gender stereotypes and their consequences for the situation of women.

34. Ms. Yung-Chung KIM asked to what extent the Government was aware of the disparity between de facto and de jure situations of women. She wished to know whether there was any official policy or national plan to accelerate the de facto equality of women through temporary or special measures, and whether there was any legislation in place - other than measures for the social protection of the family - to implement that policy or plan. Although the report referred to the State policy on youth, it made no mention of a State policy on women. She enquired whether the nearly 60 women's non-governmental organizations in Azerbaijan were working to promote the de facto equality of women.

35. Ms. ESTRADA CASTILLO said that the report did not provide enough information on affirmative action, which was an important means of eliminating flagrant discrimination against women. In traditionally patriarchal and poor countries like Azerbaijan, the so-called "feminization of poverty" was a common problem. She wondered whether the Government had taken any temporary measures to help women deal with that problem and its consequences during the transition to a market economy.

36. According to paragraph 81 of the report, the death penalty had been abolished for women. She wished to know the offences for which women had been executed in the past, and whether there had been any extrajudicial executions of women since the abolition of the death penalty.

37. Ms. FERRER GOMEZ, referring to paragraph 79 of the report, asked whether "actions which prevent women from participating in public social and cultural activities ... are subject to criminal penalties if they are associated with the use or threat of force" meant that Azerbaijani women were prevented from participating in such activities. Many of the titles of the publications covering the role of women in society, contained in paragraph 73 of the report, suggested that those publications merely reinforced the stereotype of women as mothers and housewives.

38. She asked whether spousal rape and abuse were punishable under the Criminal Code, and whether husbands who committed such offences could be tried under the Convention. She enquired whether rehabilitation programmes for men convicted of such offences, as well as shelters for their victims, had been established. She also wondered whether husbands commonly participated in household chores, and whether the Government had launched a campaign to combat gender stereotypes, particularly through elementary school education.

39. Ms. JAVATE de DIOS said that the Committee had taken note of the fact that Azerbaijan had ratified the Convention without reservations, fulfilled its reporting obligations promptly and made efforts to establish a legal basis for gender equality, particularly through article 25 of the Constitution. However, it would be useful to have information on the content of some of those measures, particularly the articles of the Criminal Code mentioned in paragraph 81 of the report.

40. Legislation was not self-activating, and government bodies were responsible for monitoring policy implementation and ensuring the availability of adequate mechanisms and resources. The representative of Azerbaijan should provide informAtion on the cultural prejudices and customary practices that were impeding progress towards gender equality and what Azerbaijan was doing to change them.

41. She wished to know the extent to which men shared child-care and domestic responsibilities. She requested information on the nature and extent of violence against women and the measures the Government had taken to address that problem. She wondered whether the Government, in cooperation with non-governmental organizations, had established programmes and services to assist the victims of such violence.

42. The CHAIRPERSON said that the report concentrated on human rights in the public sphere and made little mention of such matters as domestic violence. She requested information on the content of the articles of the Criminal Code referred to in paragraph 81 of the report and on the de facto application of such legislation, particularly with regard to gender stereotypes. She enquired whether prostitution was legal in Azerbaijan and, if not, what was being done to combat it.

43. Under the Soviet system, a quota system had ensured women a certain percentage of high-level posts in the oil industry. She asked whether that quota system was still in place, since a number of non-governmental organizations had reported that women, even when highly qualified, were employed only in secretarial posts in that industry.

The meeting rose at 12.55 p.m.